

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEMARIAN CLEMONS,

Plaintiff,

vs.

NAPHCARE, INC., *et al.*

Defendants.

2:10-cv-00406-KJD-LRL

ORDER

Plaintiff, a prisoner in state custody, has filed an application (#1) to proceed *in forma pauperis* seeking to initiate a civil rights action.

The application submitted is incomplete. Plaintiff did not attach an inmate account statement. Both a properly executed financial certificate and a statement from the plaintiff's inmate trust fund account for the past six months are required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2.

IT THEREFORE IS ORDERED that the application (#1) to proceed *in forma pauperis* is DENIED.

IT FURTHER IS ORDERED that this action shall be DISMISSED without prejudice to plaintiff's commencement of a new action in which he submits a new complaint and either pays the \$350.00 filing fee or submits a new properly completed application to proceed *in forma pauperis*, with both a new properly executed financial certificate and copy of his inmate trust fund account statement.

1 IT FURTHER IS ORDERED that the Clerk of Court shall send plaintiff two copies each
2 of a civil rights complaint form and an application form to proceed *in forma pauperis* for
3 incarcerated persons, along with a copy of the instructions for each form. The Clerk further
4 shall return a copy of the papers that plaintiff submitted in this action.

5 The Clerk of Court shall enter final judgment accordingly, dismissing this action
6 without prejudice to the timely filing of a new complaint in a new action with a properly
7 completed pauper application.

8 DATED: June 17, 2010

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12 KENT J. DAWSON
13 United States District Judge
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